

**MINUTES OF
ELECTRONIC MEETING -
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met remotely through electronic connections (Office Suite HD software) on Tuesday, November 3, 2020, at 6 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Mayor T. Chet Mann	Mayor Pro Tem Byron Buckels
Council Member Sam Gaskins	Council Member Jimmy Haire
Council Member Charles Taylor	Council Member Norman Charles Post, III
Council Member Rebecca Wyhof Salmon	Council Member James Williams (arrived at 6:06 PM)
City Manager Hal Hegwer	City Attorney Susan Patterson
City Clerk Bonnie Davis	Deputy City Clerk Vicki Cannady
Management Analyst Holly Marosites	

CALL TO ORDER

Mayor Mann called the meeting to order and explained that it was being held electronically due to precautions related to the COVID-19 pandemic. Mayor Pro Tem Buckels led the invocation and the Pledge of Allegiance was recited.

PUBLIC COMMENT

There were no requests for public comment. *NOTE: The Notice of Electronic Meeting (attached hereto as Exhibit A) directed that anyone who wanted to make a public comment at this meeting should email or contact City Clerk Bonnie Davis and the comments would be read aloud during the meeting; however, no requests were received.*

APPROVAL OF AGENDA

Mayor Pro Tem Buckels made the motion to approve the agenda, which was seconded by Council Member Salmon. Mayor Mann conducted a roll call vote and the motion carried unanimously.

CONSENT AGENDA

There were no items on the consent agenda.

SPECIAL AGENDA

There were no items on the special agenda.

CASES FOR PUBLIC HEARING

There were no cases for public hearing.

DECISIONS ON PUBLIC HEARINGS

There were no decisions on public hearings.

REGULAR AGENDA

There were no items on the regular agenda.

NEW BUSINESS

Approval of Major Subdivision Plat – Highway 78 North Subdivision Preliminary Plat associated with the rezoning of the subject property to Residential Mixed (R-6) in September of 2020. The 188-lot residential single-family subdivision would be served by public water, sewer, and streets, all maintained by the City of Sanford and is therefore subject to successful annexation into the corporate City limits. The subject property is comprised of five tracts of land totaling 73.95 acres located within the extraterritorial jurisdiction (ETJ) of the City of Sanford, between W. Courtland Drive and Tramway Road/NC Highway 78 (Exhibit A)

Community Development Manager Marshall Downey explained that this is a major subdivision plat which was introduced to Council in September for rezoning. It is a new 188-lot residential single-family home subdivision with seven areas dedicated as open space. The minimum lot size is 6,000 square feet per the approved R-6 zoning Council adopted in September. The project is not located within any wetlands or environmentally sensitive areas that are significant to the design. The Planning Board met on October 20 and recommended for approval as presented by the Technical Review Committee and staff, which is listed as Other Conditions/Requirements/Notes in Exhibit A as listed below;

1. The TRC reviewed the revised design on August 27th and was agreeable with the preliminary plat moving forward for review & approval by the Planning Board and the City Council. All TRC technical revisions must be addressed prior to the final plat for the first phase being recorded.
2. The subject property must be annexed into the corporate City limits prior to the subdivision being developed in the manner proposed.
3. NCDEQ approval will be required to be on file with the Planning Dept. prior to recorded of Phase 1 of this subdivision.
4. NCDOT approval will be required to be on file with the Planning Dept. prior to recorded of Phase 1 of this subdivision
5. The preliminary plat shall be valid for two years if approved by the Sanford City Council.
6. All public utilities (water/sanitary sewer/streets) must be installed or a financial guarantee posted prior to recording the final plat. All financial guarantees must comply with the UDO standards and accepted by the Sanford City Council.

Council Member Taylor commented that we all have had some discussion (since Galvin's Ridge and heard some discussion with the Planning Board) regarding conflict of interest – not only from the Planning Board's standpoint but also from the standpoint of Council. He added that counsel has done a great job of telling council members and other individuals when to recuse themselves. It came to his attention after the last Planning Board meeting, that an individual who lives three houses down from where this development is, was trying to change the plans from the Planning Board. Mr. Taylor stated that he has not heard from that individual this week but he wanted to give Attorney Patterson time to research the matter. He felt everyone should hear the answer but he also felt it is a cause of caution as we look at other projects down the road. If we have any Planning board members, (Council is well aware of when to recuse themselves) or any quasi-judicial in nature (Board of Adjustment); it is imperative that they disclose and recuse themselves when there is a vested interest that would affect a road going to their neighborhood, which this Planning Board member lives three houses down. He asked Attorney Patterson to share her research on this issue.

Attorney Patterson explained that this is a situation with the second plat approval coming before Council; this one is between Courtland Drive and Tramway Road. Mr. Taylor is concerned regarding if there is a conflict of interest with someone who is on one of our boards and speaks for or against

something that they vote on that they might have a substantial direct financial interest in. For Boards of Adjustment and other quasi-judicial boards, the standard for land use planning decisions is pretty-straight forward. If you are on a quasi-judicial board, you are acting somewhat like a court. So, you are not supposed to participate or vote in any quasi-judicial matter that would violate the applicant's constitutional rights to an impartial decision maker. So when you are on a quasi-judicial board, you would not be able to participate or you should recuse yourself if a member has a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close family, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter; that is the old statute that deals with conflict of interest on quasi-judicial boards. The situation we have is a planning board member on an advisory board. A new NCGS160D-109 has come out and for conflicts of interest for the governing board, you cannot vote on any legislative decision regarding a development regulation with the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. The statute states that a governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the board member has a close family, business, or other associational relationship. The same is true for the Planning Board members. They shall not vote on any advisory or legislative decision regarding development regulation adopted pursuant to this chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. You cannot vote on a rezoning petition or applicant for a text amendment if the person with whom the member has a close family, business, or other associational relationship. In this situation, you have a plat before the Planning Board, so if there is something that was going to have a direct financial impact on your financial interest, you would be excluded from voting on it. This situation has come up with someone who lives on an adjoining parcel to the plat you are considering which is the next Item 11B. We are looking at Item 11A now.

Mayor Mann stated that in the vain of recusal, remember that if it comes in front of a council member, you need to present why you need to be recused and it is up to the council member to vote whether to recuse you; we will want to know the reasons.

Council Member Gaskins made the motion to approve the Major Subdivision Plat – Highway 78 North Subdivision Preliminary Plat associated with the rezoning of the subject property to Residential Mixed (R-6) in September of 2020 referenced above subject to the conditions and requirements listed in Exhibit A. Council Member Taylor seconded the motion. Mr. Taylor stated that he appreciated Attorney Patterson's comment and she did a great job of researching. This is not an indictment on our board and we need to make sure other boards and commissions that report to Council are doing the same. (Mayor Mann recognized Council Member James Williams connecting to the electronic workshop). Community Development Director Marshall Downey informed Council that staff holds workshops on conflict of interest, policies and procedures on a semi-annual basis. The motion carried unanimously by a roll call vote.

Approval of Major Subdivision Plat – Highway 78 South Subdivision Preliminary Plat associated with the rezoning of the subject property to Residential-Mixed (R-10) in September of 2020. The 120-lot residential single-family home subdivision would be served by public water, sewer, and streets, all maintained by the City of Sanford. The subject property is comprised of five tracts of land totaling 58.04 acres, with 39.75 acres being within the corporate City limits and the balance being within the extraterritorial jurisdiction (ETJ) of the city of Sanford. Development of the subject property in the City's ETJ in the manner proposed with public utilities is subject to successful annexation into the corporate

City limits. The site is located between Tramway Road/NC Highway 78 and Lemon Springs Road (Exhibit B)

Community Development Director Marshall Downey explained that rezoning was approved in September. The property is located south of Tramway Road and they are requesting 58 acres to be rezoned to R-10, which is essentially a 10,000 square foot lot; the largest lot size goes up to 18,000 square feet. The subdivision will be served by City water and sewer. It is a 120-lot subdivision; the plat went through the Technical Review Committee (TRC) with the design as presented to Council in their agenda packet; however, please note on page 14, the Planning Board made several recommendations to that plat. When this particular plat was presented to the Planning Board, the Planning Board made some recommendations that differ from what came from the TRC. On October 20, 2020, the Planning Board voted unanimously to approve the proposed subdivision subject to the following conditions, provided that the conditions would not create an unsafe design for emergency services and that it would not create a design that the applicant considers financially unfeasible.

The Planning Board recommended two things:

- 1.) The “stub” street connection to Dewayne Street shall be replaced by a cul-de-sac that does not connect to Dewayne Street. The rationale being that this roadway terminating in a cul-de-sac would be a safer and more area resident friendly design since a barricade is planned to be installed at the end of the new street, which would prevent vehicular traffic from accessing the existing portion of Dewayne Street because it is a private street and not maintained by a public entity. The cul-de-sac would provide an area to turn around that was not in someone’s private driveway and would prevent someone from accidentally driving into the barricade if they did not realize that the roadway was not connected.
- 2.) The “stub” street connection to the Hillandale Drive/Currituck Drive intersection be replaced by a cul-de-sac that does not connect to Hillandale Drive/Currituck Drive. The rationale being that this roadway terminating in a cul-de-sac would be a safer and more area residential friendly design since Hillandale Drive is a narrow unstriped roadway (SR 1207, maintained by NCDOT) and Currituck Drive is a private street and not maintained by a public entity. Given the location of the proposed roadway connection at the Hillandale Drive/Currituck Drive intersection, there would be no physical barrier in place to prevent vehicular traffic from traveling down Currituck Drive, which the people who live along this road currently maintain. Also, the area residents, especially those who reside along Currituck Drive, have expressed to Planning Board member Bob Smith that they do not want this roadway connection.

Staff forwarded the Planning Board recommendations to the TRC members and received the following feedback:

- The UDO subdivision regulations state that “where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way shall be extended to the boundary of the development”. Therefore, the consensus of the Planning/Zoning Dept. representatives was that replacing the “stub” street connection to Dewayne Street with a cul-de-sac that does not connect to Dewayne Street is reasonable since Brenda Street will provide access along the southern side of the subject property. However, the replacement of the “stub” street connection to Hillandale Drive would not be recommended since this is the only access along the northern side of the subject property.
- The Sanford Fire Department representative stated that replacing the “stub” street connection to Dewayne Street with a cul-de-sac did not appear to be problematic, but the connection to Hillandale Drive needs to be in place for emergency access to the lots at the back of the development.

Council Member Taylor stated that we have had stub streets which is a trademark of our designs and Council has approved for years, to have connectivity in the neighborhoods.

Council Member Taylor made a motion to approve the original subdivision plat - Major Subdivision Plat – Highway 78 South Subdivision Preliminary Plat, as staff has recommended (Exhibit D) and not the Planning Board’s recommendation. Community Development Director Downey displayed the original subdivision plat design by staff without the cul-de-sac, (Exhibit C). Seconded by Council Member Gaskins, the motion carried unanimously by roll call vote.

Revised Utilities Interlocal Agreement Study – City of Sanford/Town of Pittsboro Utility Systems Partnering Study (Exhibit D)

Public Works Director Vic Czar explained that we have talked about this issue for some time. One of our current wholesale wastewater customers – the Town of Pittsboro – has utility needs for water and wastewater. The Town of Pittsboro is looking for alternatives, which we have the potential for them to partner with the City of Sanford. Pittsboro is willing to look at this study. This agreement is between Freese and Nichols (engineer the City of Sanford selected) and the City of Sanford. The cost of the study is \$50,000, of which the cost will be split between the City of Sanford (\$25,000) and the Town of Pittsboro (\$25,000). The study will do an inventory of the water and sewer needs that Pittsboro and the City of Sanford have, as well as the opportunity to get water and wastewater treatment or wholesale arrangements (however it needs to be worked out) and will identify pinch points where their capacity does not equal their need and alternatives on how to address it. They will have information to move forward with and we see the benefit we have with wholesale arrangements. There is an economies-of-scale. It is a great time if we are considering a wholesale arrangement on the water side due to where we are with the water treatment plant. In addition to this, if by some way we enter into an agreement on the water side, we could probably get some water back in case of an emergency. We are not inter-connecting with another utility. If there was a problem at the water plant, we are on our own. There is some work being done on the western side of Jordan Lake; there will be an intake and a water plant built that Durham and Chatham County are working diligently toward; it will take some time but it creates an opportunity where we could have an interconnection for emergency purposes. There could be some mutual benefits that could be achieved. Pittsboro has had several studies performed over time and is somewhat confusing with what they have. This inventory will put it all together and we will have a visual display that will hopefully be easy to digest. Staff recommends approving the agreement with Freese and Nichols; the total agreement is \$50,000 and the City’s portion will be \$25,000.

Council Member Gaskins made a motion to approve the Revised Utilities Interlocal Agreement Study – City of Sanford/Town of Pittsboro Utility Systems Partnering Study. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously by roll call vote.

Capital Project Ordinance Amendment – Big Buffalo Water Reclamation Facility Flood Rehabilitation Project No. S1901 (Exhibit E)

City Engineer Paul Weeks explained that in fall of 2018, we had flood waters from Hurricane Florence over the top of our berm. We are currently in a rehab project with Shook Construction of a \$3.5 million project where they will be rehabilitating and replacing some equipment that has been identified. It was a FEMA eligible project and they have been reimbursing us based on the expenses incurred to date. A second part of that is that after completion of rehabilitation is to prevent a like storm from occurring again and causing the same damage. FEMA has indicated they would fund this as well. Staff had Hazen & Sawyer take a look at our berm to see what we need to do and they designed it. In

October, we opened bids for the berm remediation for the prevention project and we had six bidders. Of the six bidders, Shook Construction was the low bidder in the amount of \$645,000. They are on site now and felt they would be the low bidder since they are already at the site. They expect the repair project will be finished in October 2021. They expect the prevention project would be completed at the same time and that is going to realize some savings because now we do not have to mobilize a second crew and will not have construction administration going on with two separate projects at the same time. We can inspect both projects at the same time. Staff recommends awarding the project to Shook Construction in the amount of \$645,000.

Council Member Salmon made a motion to approve the Capital Project Ordinance Amendment – Big Buffalo Water Reclamation Facility Flood Rehabilitation Project No. S1902. The motion was seconded by Mayor Pro Tem Buckels, and it carried unanimously by a roll call vote.

Award of Bid for Big Buffalo Water Reclamation Facility Flood Prevention Project (Exhibit F)

City Engineer Paul Weeks explained that this amendment is for \$690,000 which is \$645,000 for the bid of the project to Shook Construction and an extra \$45,000 is for contingency for items that may occur during construction with reference to the previous project.

Mayor Pro Tem Buckels made a motion to award the bid for the Big Buffalo Water Reclamation Facility Flood Prevention Project to Shook Construction in the amount of \$645,000. The motion was seconded by Council Member Gaskins, and approved unanimously by a roll call vote.

Information Regarding Question of Annexation Pursuant to G.S. 160A-31 – Forbes Forest Land Property Management, LLC

Senior Long-Range Planner David Montgomery explained that at our last meeting staff received a petition from Forbes Forest Land Property Management LLC, for a potential subdivision located off Cool Springs Road. Council requested the City Clerk to investigate the sufficiency of the petition. Planning staff feels it meets the certificate of sufficiency.

Receive Certificate of Sufficiency – (Exhibit G)

Mayor Mann stated that he has checked with the City Clerk and she has investigated the petition and it is valid.

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 – Forbes Forest Land Property Management, LLC (Exhibit H)

Mr. Montgomery advised that the resolution sets a public hearing date on Tuesday, December 15, 2020, on the requested annexation.

Council Member Gaskins made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 – Forbes Forest Land Property Management, LLC. Seconded by Council Member Taylor, the motion carried six to one in favor of the resolution through a roll call vote. Council Member Post cast the dissenting vote.

Consider Update on COVID-19 Response

City Manager Hegwer gave an update on the impact of COVID-19 and noted that we are continuing to do things we feel can improve employee safety while serving the public.

OTHER BUSINESS

Council Member Taylor gave an update regarding a meeting with N Focus Planning and Design from Kannapolis, who is doing the City’s Plan SanLee and revising our maps and zoning. The meeting lasted 2.5 hours. They put a lot of attention to maximizing density and allowing good land practices – having eight-foot strips of grass between sidewalks and curbs. He is hoping they can present a condensed version to Council and show the logic behind their presentation. He announced that on Wednesday, November 4, is the Opioid Commission meeting at 6 PM.

Mayor Pro Tem Buckels gave an update on the Equity Taskforce Initiative. The first meeting will be held on Thursday, November 5, 2020, at 6 PM, by Zoom. Once the taskforce meets this Thursday, they will decide when and if they would like to meet in person.

Mayor Mann concluded that we are very busy and have some great projects and to check out Charlie Watson Lane as it has a string of lights down the alley. As previously discussed, we want to light up some of the alleys, making them more inviting to use the cross-corridor sections in Downtown.

Mayor Mann added that the UDO is very necessary and positive and is a good blend of Council’s expectations have been to staff. Growth is coming and is necessary. With the UDO, we can shape the growth in a good quality way. They hope to have it ready in January 2021. He added there is a meeting with the S-Rail commuter train on December 10.

ADJOURNMENT

Council Member Salmon made the motion to adjourn the meeting. Seconded by Mayor Pro Tem Buckels, the motion carried in favor unanimously by a roll call vote.

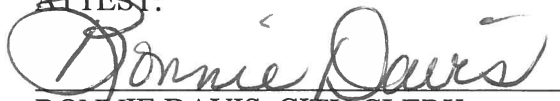
ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



BONNIE DAVIS, CITY CLERK